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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MICHAEL FRANCISCO,

Plaintiff,

v.

CITY OF REDMOND,
HANNAH COPELAND, and
TIMOTHY WARBURG,

Defendants.

Case No.

COMPLAINT

§ 1983 Civil Rights Violation

JURY TRIAL DEMANDED

NATURE OF THE ACTION

1.

Plaintiff Michael Francisco brings this complaint pursuant to 42 U.S.C. § 1983 on behalf of his minor son, M.F. On January 23, 2018, in the District of Oregon, Defendants Hannah Copeland and Timothy Warburg, both police officers with the City of Redmond, Oregon, used excessive physical force in detaining and arresting M.F., thereby depriving M.F. of his civil rights. Defendants Copeland and Warburg are named in both their individual and official capacities. Defendant City of Redmond is liable to Plaintiff

because the officers' unconstitutional conduct implemented a policy officially adopted and promulgated by City officials. Plaintiff demands a jury trial.

JURISDICTION AND VENUE

2.

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 1343.

3.

Under 28 U.S.C. § 1391(b), venue is proper in this District because a substantial portion of the conduct at issue occurred here.

PARTIES

4.

Plaintiff Michael Francisco (hereinafter "Plaintiff") is the biological father and custodial parent of M.F., a minor. At all times material, Plaintiff was a resident of Deschutes County, Oregon.

5.

M.F. is a non-emancipated minor and a resident of Deschutes County, Oregon. He was 14 years old on January 23, 2018.

6.

Defendant City of Redmond (hereinafter "Defendant City of Redmond") is a municipality in the State of Oregon.

7.

The Redmond Police Department is a department of Defendant City of Redmond, and officers of the Redmond Police Department are agents and employees of Defendant City of Redmond.

8.

At all times material, Defendant Hannah Copeland (hereinafter “Defendant Copeland”) was a police officer in the employ of the Redmond Police Department, and was acting in both her individual and official capacities and within the scope of her employment.

9.

At all times material, Defendant Timothy Warburg (hereinafter “Defendant Warburg”) was a police officer in the employ of the Redmond Police Department, and was acting in both his individual and official capacities and within the scope of his employment.

CLAIM FOR RELIEF

(§ 1983 Civil Rights Violation – Unreasonable Seizure / Excessive Force)

10.

Plaintiff re-alleges and incorporates herein paragraphs 2-9.

11.

At all times material, Defendants Copeland and Warburg were acting in both their individual and official capacities under the color of state law.

12.

On January 23, 2018, in the District of Oregon, Defendants Copeland and Warburg, working in concert with one-another, applied a taser-weapon in drive-stun mode multiple times to the torso of M. F., in the course of detaining or arresting M. F. for a minor or petty offense. M. F. did not pose an immediate threat to the safety of the Defendants or others. Under the circumstances, the Defendants’ conduct was

unreasonable and constituted excessive physical force, and thus deprived M.F. of his right to be free from unreasonable seizures of his person as guaranteed by the Fourth Amendment to the United States Constitution.

13.

The unconstitutional use of excessive force by Defendants Copeland and Warburg on January 23, 2018 was consistent with and implemented policies officially adopted and promulgated by Defendant City of Redmond, through its officers and agents.

14.

As a direct and proximate cause of all three Defendants' conduct, M.F. suffered pain, discomfort, and mental anguish resulting in non-economic damages in the amount of \$250,000.

15.

Pursuant to 42 U.S.C. § 1988(b), Plaintiff is entitled to an award of reasonable attorney fees.

PRAYER

16.

WHEREFORE, Plaintiff prays for relief as follows:

a. For non-economic damages in the amount of \$250,000 against Defendants City of Redmond, Copeland, and Warburg.

b. For Plaintiff's reasonable attorney fees and costs; and

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c. For such other relief as the Court may deem equitable and just.

DATED this 15th day of January, 2020.

s/ Todd Grover

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